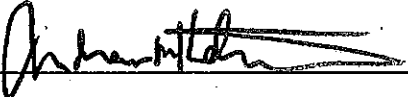


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10:19 A.M.

Chapter No. 407
16/HR43/R1613SG
CST 16V

HOUSE BILL NO. 767

Originated in House  Clerk

HOUSE BILL NO. 767

AN ACT TO CODIFY THE DUTY OF CARE OF A POSSESSOR OF REAL PROPERTY TO A TRESPASSER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 95-5-31, Mississippi Code of 1972:

95-5-31. **Duty of possessor of real property to trespasser.**

(1) For the purposes of this section, the following words shall have the following meanings:

(a) "Possessor of real property" means any person with a fee, reversionary, or easement interest in real property, including an owner, lessee, or other lawful occupant.

(b) "Trespasser" means a person who enters upon the property of another without permission and without an invitation, express or implied, or other legal right.

(2) A possessor of real property owes no duty of care to a trespasser, except a duty to refrain from willfully or wantonly injuring such a person.

(3) Notwithstanding subsection (2) of this section, a possessor of real property may be subject to liability for injury to a trespasser if:

(a) The possessor discovers the trespasser in a position of peril on the property and fails to exercise reasonable care to prevent injury to that trespasser; or

(b) The trespasser is a child injured by an artificial condition on the possessor's property and all of the following apply:

(i) The place where the condition existed was one upon which the possessor knew or had reason to know that a child would be likely to trespass;

(ii) The condition is one of which the possessor knew or had reason to know and which the possessor realized or should have realized would involve an unreasonable risk of death or serious bodily harm to a child;

(iii) The injured child because of his or her youth did not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;

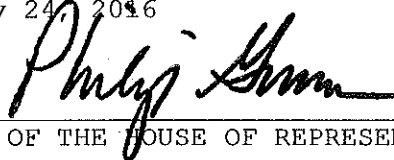
(iv) The utility to the possessor of maintaining the condition and the burden of eliminating the danger was slight as compared with the risk to the child; and

(v) The possessor failed to exercise reasonable care to eliminate the danger or otherwise to protect the child.

(4) This section does not create or increase the liability of any possessor of real property and does not affect any immunities from or defenses to civil liability established by another section of the Mississippi Code of 1972 or available at common law to which a possessor of real property may be entitled.

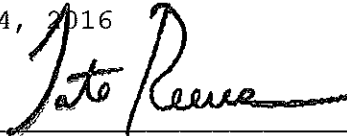
SECTION 2. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 24, 2016



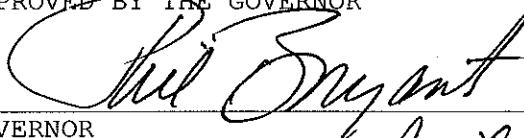
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 24, 2016



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

April 11, 2016
10:19 AM